

















### ILLAWARRA ELECTORATE

LAW.  
—  
SUPREME COURT.—WEDNESDAY.  
SITTINGS IN BANCO.

FOR their Honors Sir ALFRED STEPHEN, Chief Justice, Mr; Justice CHEEKE, and Mr. Justice FAWCHT.  
DEMURRER.  
O'SULLIVAN V. AARONS.  
This was a demurrer by plaintiff to one of defendant's pleas in an action for breach of a contract for the sale and delivery of certain cattle from the defendant to the plaintiff.  
Mr. Butler appeared in support of the demurrer, and Mr. Barry in support of the plea.  
The declaration was upon two contracts. The first of these, dated 17th November, 1864, was an agreement

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upon which it was dependent, and that consequently no plea was bad.

It appeared that the count in the declaration to which the plea was pleaded was clearly bad. The agreement of the defendant declared upon was voidable for want of consideration, and no amendment could in their Honor's opinion make the count a good one.

Judgment was therefore given for the defendant on this demurrer.

**RULE NISI FOR NEW TRIAL.**

**PALMER V. WHITEFIELD.**

THE SOLICITOR-GENERAL moved for a rule nisi for a new trial of the above case. It was an action for goods sold and delivered. The plaintiff declared that the defendant had sold to him certain birds, and that the defendant had failed to deliver the same. The plaintiff offered in evidence before Mr. Justice Faussett and a jury of four, and terminating in a verdict for the defendant. The grounds of the present application were that the verdict was against evidence, and that there had been a misdirection in part of the plaintiff's claim—that for certain birds admitted to have been carried home by Whitefield. It was contended that the defendant had obtained a verdict for the value of these birds in any case.

The Court refused to grant a rule. As to the general question of Justice Faussett's declaration of himself to be satisfied with the verdict, and their Honors' acquiescence in it, under these circumstances, entertain any proposition that the verdict was against evidence. As to the other ground, the Court had no reference to the case of the birds said to have been sent away in a cage, and the Court could not allow a verdict to be snatched in reference to them, which had been carried home, as to which there had been no dispute.

**INSOLVENCY COURT.**

**THURSDAY.**

**THE CHIEF CLERK.**

In the estate of Brown and Scott, a third meeting. Insolvents were allowed, in their separate estates, to retain their household furniture. In the joint estate, a motion was made for the removal of the household furniture, and also was a motion for an allowance to the insolvents. The meeting terminated.

In the estate of James Coulter, a single meeting. Three debts were proved. Insolvent was examined. It was stated to be realised, except bedding and wearing apparel.

In the estate of John Brun, a single meeting. Two debts were proved. The estate, except bedding and apparel, was realised.

In the estate of Charles Mitchell, a single meeting. Insolvent was examined. One debt was proved, and insolvent was allowed his household furniture on condition that the unpaid value (£16) be paid within fourteen days.

In the estate of Charles W. Beaury, a second meeting. No debt was proved.

In the estate of Thomas Breckell, a single meeting. Three debts were proved. Insolvent was allowed his household furniture.

In the estate of Charles Beaver, an adjourned single meeting. Insolvent was examined, and the official assignee directed to sell the furniture, subject to a debt to Cummins.

**DIRECTIONS OF CREDITORS IN THE ESTATES OF GEORGE H. COOKMAN AND JOHN KINGSMITH, GIVEN ON THE 31ST AUGUST, 1876.**

**RULES GIVEN.**

Emilio Zucconi, of Sydney, v. Robert Nelson, 20. Warrimoo, 20. 1876. Assignee, Henry Stedman, 20. Warrimoo, official assignee.

William Z. Hermann, of Sydney, proferor, of music, v. John W. Barker, of Sydney, mesne owner. Homestead, 20. 1876. Assignee, John W. Barker, official assignee.

**SURRENDERS.**

Jeremiah Chalm, of Pitt-street, Sydney, grocer. Liabilities, £173 7s. Assets, £173 3s. 11d. Mr. Scampell, official assignee.

John McLean, of Bathurst, on petition and affidavit. Liabilities, £130. Assets, £130. Mr. Scampell, official assignee.

James O'Neill, of Lake Macquarie. Liabilities, £392 5s. 6d. of which £130 is secured. Assets, £157. Mr. Scampell, official assignee.

Corlies Lord Thurlston, of Sydney, merchant, *Lia-*  
*liabilities*, £3392 *ss.* 5*d.*, *Assets*, £220, Mr. Humphry,  
 official assignee.  
 John H. Thompson, of Sydney, deceased, *Liabilities*  
 £28 *ss.* 4*d.*, *Assets*, £108, Mr. Sempill, official assignee.  
 William Douglas, of Strawberry Hills, late of Bathurst-  
 street, deceased, *Liabilities*, £23 *ss.* 5*d.*, *Assets*,  
 £106, Mr. Mackenzie, official assignee.  
 Henry Jefferson Bates, of Merimbula, farmer, *Liabi-*  
*lities*, £168 *ss.* 5*d.*, *Assets*, £67 *ss.*, Mr. Mackenzie, official  
 assignee.  
 John Holland, of Pitt-street, Sydney, writer and deco-  
 rator, *Liabilities*, £170 *ss.*, *Assets*, £22, Mr. Humphry,  
 official assignee.  
 Richard Pratt, of Mount Keira, *Liabilities*, *li-*  
*abilities*, £46 *ss.* 2*d.*, *Assets*, £3, Mr. Sempill, official assignee.  
 COURSE BUREAUS.—Thursday, September 13.—At 11  
 o'clock, at the residence of Mr. W. B. Buckland, a  
 William W. Buckland, a second plan, showing a dis-

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## SALES BY AUCTION.

No. 66-78. Town Clerk's Office, Sydney, 6th September, 1866.  
**TO BUILDERS, CONTRACTORS, and others.**—The CITY AUCTIONEER will dispose of by public auction, at the City Depot, Bridge-street, on THURSDAY, 13th instant, at 11 o'clock,  
 120 barrels Portland cement.  
 A wooden building (75 feet x 15 feet), roofed with corrugated iron.  
 Terms, cash.  
**CHARLES H. WOOLCOTT,**  
 Town Clerk.

**MR. S. WOOLLER** will sell by auction, at his Horse Repository, Pitt-street, opposite Tattersall's, THIS DAY, at 11 o'clock,  
 4 heavy draught horses, trial given.  
 6 good saddle and gig horses, subject to trial.  
 Horses and carts, buggies, drays, harnesses, &c.  
 Terms, cash.

At the Annandale Yard, TO-MORROW, Thursday.

**BURT and CO.** are instructed by Henry Bell, Esq., to sell by auction, at the above place, THIS DAY, Thursday, at 2 o'clock,  
 180 very prime cattle, direct from Mr. Bell's station on the Castlereagh. The finest lot that has been offered for some weeks.

**BURT and CO.** are instructed to sell by auction, at their Bazaar, on FRIDAY next, at 11 o'clock,  
 Two very beautiful male alpacas, now on view.

**CART STALLION.**

**BURT and CO.** are instructed by G. H. Thorn, Esq., to sell by auction, at their Bazaar, on FRIDAY next, the 14th instant,  
 SAMSON, a brown cart horse, six years old, bred by Mr. Johnson, of Portland Road, and got by the Wiltshire Champion, 1861.  
 Samson has won four prizes at the Argyle Agricultural Shows; on the last occasion was shown against imported horses, and was awarded the prize.  
 He is in fine condition, a sure foot-gaiter, and in every respect a first-class stallion.  
 Saddle and harness complete.

**MARTIN and CO.** have received instructions to sell by auction, at the Bazaar, on THURSDAY next, at 11 o'clock,  
 A very useful bay cob, thoroughly quiet in saddle and harness, used to town, and a capital roadster.

**MARTIN and CO.** will sell by auction, at the Bazaar, THIS DAY, at 11 o'clock,  
 The usual variety of saddle and harness horses.  
 Vehicles, harness, saddlery, &c., &c.

**M. PITT** has received instructions from George Forrester, Esq., to sell by auction, THIS DAY, 13th instant, at his New South Wales Yard, Annandale, at half-past 2 o'clock,  
 200 head of really prime fat cattle, in lots.

**MR. W. FULLAGAR** has received instructions from Mr. R. Ridge to sell at his Warehouse, Western Road, on MONDAY next, 17th September, at 11 o'clock,  
 250 head of really fine cattle, in lots to suit purchasers.

**F. M. STOKES** (late Beardmore and STOKES) will sell by auction, THIS MORNING, at the Depot, 774, George-street South, at 11 o'clock,  
 Cows, calves, sheep, and pigs, &c.

**Railway Auction Produce Depot.**

**F. P. MEARES** will sell by auction, at his Depot, George-street South, at 10 o'clock, sharp, THIS DAY,  
 A superior lot of mules and sheep.

And at 11 o'clock sharp,  
 Fat calves, lambs, sheep, pigs, poultry, &c.  
 Terms, cash.

**F. P. MEARES** has received instructions to sell by auction, at his Depot, at 12 o'clock THIS DAY,  
 Thirty stone pigs, and thirty prime porkers.  
 Terms, cash.

**Produce Sale.**  
 At the Chamber of Commerce.

**RICHARDSON and WRENCH** will sell by public auction, at the Sydney Exchange, THIS DAY, at a quarter past 2 o'clock,  
 Bales wool.  
 Terms, cash.

**WEEKLY WOOL SALE.**

**MORT and CO.** will sell by public auction, at the Chamber of Commerce, Sydney Exchange, THIS DAY, Thursday, the 13th September, at quarter past 2 o'clock,  
 7 bales wool.  
 Osnaburg, Osnaburg, Osnaburg.

And at their Produce Store, Circular Quay, on FRIDAY, 14th September, at 11 o'clock,  
 55 bales tallow.  
 Cattle mutton tallow.  
 155 bales tallow.  
 Leather, &c.  
 Terms, cash.

**OSNABURG, OSNABURG, OSNABURG.**  
 To Fellingmeyer, Woolwashers, and others.

**MORT and CO.** will sell by public auction, at the Chamber of Commerce, Sydney Exchange, THIS DAY, Thursday, at half-past 2 o'clock p.m.,  
 12,000 yards (more or less) OSNABURG, slightly damaged.  
 Terms, cash.

**BLACK OIL, BLACK OIL, BLACK OIL.**  
**MORT and CO.** will sell by public auction, at their Produce Store, Circular Quay, on FRIDAY, 14th September, at 11 o'clock,  
 55 bales black oil, in lots to suit purchasers.  
 Terms, cash.

**LEATHER, LEATHER, LEATHER.**  
**ON ACCOUNT OF WHOM IT MAY CONCERN.**

**MORT and CO.** will sell by public auction, at their Produce Store, Circular Quay, on FRIDAY, 14th September, at half-past 11 o'clock,  
 A quantity of sole leather.  
 Terms, cash.

**Weekly Produce Sale.**  
 Wool and Sheepskins.

**O. B. EBSWORTH** will sell by public auction, at the Chamber of Commerce, THIS DAY, Thursday, 13th September, at a quarter past 2 o'clock precisely,  
 Bales wool.  
 Sheepskins.

**Whale Flies, Moss Beef, Pork.**

**O. B. EBSWORTH** will sell by public auction, at his Stores, Circular Quay, THIS DAY, Thursday, 13th September, at 11 o'clock precisely,  
 6 cases whale fins.  
 Cattle mutton tallow.  
 Ditto ditto pork.  
 Terms, cash.

**Weekly Wool Sale.**

**IRWIN and TURNER** will sell by auction, at the Chamber of Commerce, THIS DAY, Thursday, 13th September, at half-past 2 o'clock,  
 Bales wool.  
 Sheepskins.

Also, at their Produce Store, Circular Quay, on FRIDAY, 14th September, at 12 o'clock precisely,  
 Hides, &c., &c.

**Butchers, Butchers.**

**JAMES GRAHAM** will sell by auction, at 12 o'clock sharp, THIS DAY, Thursday, at 12 o'clock sharp,  
 Carcass beef and mutton.

**Weekly Produce Sale.**

**JAMES GRAHAM** will sell by auction, at the Chamber of Commerce, THIS DAY, Thursday, 13th September, at a quarter past 2 o'clock,  
 Bales wool.  
 Sheepskins.

And at his Produce Store, TO-MORROW, Friday, Tallow, hides, &c., &c.

**H. R. REID** sells Wool, TO-DAY, at 11 o'clock, at the Chamber of Commerce. Hides and bones at his Stores, on FRIDAY, at 10 o'clock.

On THURSDAY, September 13th, at 11 o'clock.  
 On the Premises, No. 462, George-street, near Market-street.  
 The Stock-in-Trade of Mr. J. W. Fry, who is removing to the interior.  
 Consisting of Gold Leaf Tobacco  
 Hensley ditto  
 Negrohead ditto  
 Cavendish ditto  
 Havana and other Cigars  
 Meerschaum and other Fancy Pipes  
 Cutting Machines and Apparatus.  
 Also,  
 Shop Fittings and Fittings  
 And likewise,  
 To Tobaccoists  
 Dealers, and others.

**MESSRS. SOLOMON and FRANCIS** have received instructions from Mr. J. W. Fry, who is removing to the interior, to sell by public auction, on the premises, No. 462, George-street, near Market-street, THIS DAY, 13th instant, at 11 o'clock precisely,  
 The whole of his stock-in-trade of tobacco, cigars, fixtures, and household furniture, &c., as above.  
 Terms, cash.

On THURSDAY next, September 13th, at 11 o'clock.  
 On account of whom it may concern.

**Ex Beemah, Hawkins, master, from London.**  
 Slightly damaged by sea water.  
 Vm.—  
 108 Cases Pint Pickles  
 150 ditto Brown Malt Vinegar  
 35 ditto Assorted Sauces  
 60 ditto Sardinia  
 8 ditto Vermicelli and Macaroni  
 99 ditto Half-pint Salt Oil  
 60 ditto Quarts ditto.  
 616 Cases.

To Shippers, Wholesale Grocers, Country Storekeepers, Dealers, and others.

**MESSRS. SOLOMON and FRANCIS** have received instructions to sell by public auction, at their Rooms, 309, George-street, THIS DAY, September 13th, at 11 o'clock precisely.

516 cases of various stores, as above.  
 Ex Beemah, slightly damaged by sea water.  
 On account of whom it may concern.

On THURSDAY next, September 13th, at 11 o'clock.  
 On account of whom it may concern.

**Ex Beemah, Hawkins, master, from London.**  
 Damaged by sea water.  
 SWW—  
 6 Cases Martell Brandy  
 20 ditto Arrowroot, each 1 cwt.  
 20 ditto ditto, each 2 cwt.  
 8 Hales 3-Bushel Bags  
 10 Cases Brown and Polson's Corn Flour.  
 63 Packages.

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 63 Packages.

To Shippers, Wholesale Grocers, Country Storekeepers, Dealers, and others.

On SATURDAY, September 15th, at 11 o'clock.  
 At the Old Bank of Australasia.  
 For Unreserved Sale by Auction.  
 To Parties Furnishing and others.  
 Useful Household Furniture and Effects  
 Sewing-machine  
 Microscope and Sympiesometer  
 Valuable Books  
 Piano-forte and stool  
 Gold Watch (chronometer movement)  
 Sterling silver  
 Jewellery  
 Field Glasses and Telescope  
 Drawing-room Suite, in rosewood  
 Leather-seated Chairs and Couches  
 Iron Bedsteads and Bedding  
 Glass Drawers and Wardrobe  
 Clocks, Drawers and Wardrobe  
 Engravings, Ornaments  
 Crockery and Sundries.  
 Terms, cash.

**MESSRS. BRADLEY and NEWTON** have received instructions to sell by auction, at their Rooms, 239, George-street, on SATURDAY, September 15th, at 11 o'clock precisely,  
 Household furniture, books, and sundries.  
 Terms, cash.

**Preliminary Notice.**  
 On MONDAY, 17th September.

To Capitalists and others.  
 In London-street, Woolahra.  
 Substantial 9-roomed Brick House, Stone Foundation, Shingled Roof, with Kitchen, Pantry, Bath-room, Wash-house, Coach-house, and Stables.

**MESSRS. BRADLEY and NEWTON** have been favoured with instructions from P. K. Oliver, Esq., prior to his departure for England, to sell by auction, on MONDAY, 17th September, at 11 o'clock,  
 The above substantially built house.  
 Full particulars will shortly appear.

**Preliminary Notice.**  
 On MONDAY, 17th September.

At Denison-street, Woolahra.  
 Superior Household Furniture.

**MESSRS. BRADLEY and NEWTON** have received instructions from F. K. Oliver, Esq., prior to his departure for England, to sell by auction, at his Residence, Denison-street, Woolahra, on MONDAY, 17th September, at 11 o'clock,  
 The whole of his elegant household furniture, dogcart, horses, &c., &c.  
 Terms, cash.  
 Full particulars will shortly be published.

**Preliminary Notice.**  
 At the Old Bank of Australasia.  
 On an early day.

Very large and valuable Library of a gentleman lately deceased.

To Librarians, Bookellers, Connoisseurs, and others.

**MESSRS. BRADLEY and NEWTON** have been favoured with instructions to sell by auction, at their Rooms, 239, George-street, on an early day,  
 A large and valuable collection of books, in every department of literature.  
 Terms, cash.  
 Catalogue will be issued.

**AMERICAN BROOMS.**  
 Auction Sale, THURSDAY, 13th September.

To Grocers, Ironmongers, Storekeepers, and others.

**MR. W. DEAN** has received instructions to sell by auction, at his Warehouse, Pitt and O'Connell streets, THIS DAY, 13th September, at 11 o'clock,  
 50 cases American brooms.  
 Terms, cash.

**THE NEW CROP.**  
 Flour, Wheat, Barley, Oats, Pork, Salmon, &c.  
 The entire Cargo of the Day Dawn, from San Francisco.

For Absolute Unreserved Sale by Auction, On THURSDAY next, the 13th instant, At the Rooms of Mr. W. Dean, Pitt and O'Connell streets.

Consisting of:  
 8000 Quarter-sacks Golden Gate superfine new Flour  
 2500 Sacks new West  
 1683 Sacks  
 14,096 Sacks fine new Oats  
 50 Half-barrels Salmon  
 47 Half-barrels prime Pork  
 53 Half-barrels Mace Pork.

**MR. W. DEAN** has been favoured with instructions from A. S. Webster, Esq., to sell by auction, at his Warehouse, Pitt and O'Connell streets, THIS DAY, 13th instant, at 11 o'clock,  
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 14,096 Sacks fine new Oats  
 50 Half-barrels Salmon  
 47 Half-barrels prime Pork  
 53 Half-barrels Mace Pork.

**MR. W. DEAN** has been favoured with instructions from A. S. Webster, Esq., to sell by auction, at his Warehouse, Pitt and O'Connell streets, THIS DAY, 13th instant, at 11 o'clock,  
 The cargo of the Day Dawn, from San Francisco.

In the Insolvent Estate of J. Durrah, Grocer.  
**MR. H. VAUGHAN** has received instructions from the Official Assignee to sell by auction, on SATURDAY, 15th instant, at 11 o'clock, on the premises, South Head Road, near Lily-street,  
 A large assortment of groceries, oil-stone, empty cases, and sundries.

FRIDAY, 14th September, 1866.

**ASSORTED MARTINWARE.**  
 DITTO W. and G. CHINA, Figures, &c., &c.  
 Just landed ex Ninetoh.

To Earthware Buyers  
 To Country Storekeepers  
 To Shippers, and others.

**JOHN G. COHEN** has received instructions to sell, at the Bank Auction Rooms, at 11, MARTINWARE.

**CUPS and SAUCERS.**—Brown Etruscan, Alexandria, vine wreath, &c.  
**BOWLS.**—Ditto ditto  
**BREAKFAST SETS.**—Green, vine wreath, Alexandria, brown and green Etruscan, &c.  
**TOILET SETS.**—Neutral, Gothic unique, Venetian unique, &c.  
**DISHES, BAKERS, &c.** assorted patterns.  
**WHITE and gold breakfast sets.**  
 Cups and saucers, brown-sugar, &c.  
**SUNDRIES.**  
 Assorted water bottles, jugs  
 Blumengrass moulds, punch bowls, &c., &c.  
**FIGURES and ORNAMENTS.**  
 A small assortment of the above.  
 Terms at sale.



